

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECOND AMENDMENT FOUNDATION, INC., §
RAINIER ARMS, LLC, SAMUEL WALLEY, and §
WILLIAM GREEN, §

Plaintiffs, §

v. §

BUREAU OF ALCOHOL, TOBACCO, FIREARMS §
AND EXPLOSIVES, REGINA LOMBARDO, in her §
official capacity as Acting Director of the Bureau of §
Alcohol, Tobacco, Firearms, and Explosives, UNITED §
STATES DEPARTMENT OF JUSTICE, and §
JEFFREY ROSEN, in his official capacity as Acting §
ATTORNEY GENERAL, U.S. Department of Justice, §

Defendants. §
§
§

Case No. 3:21-CV-00116-B

**PLAINTIFFS' MOTION FOR LEAVE TO PROCEED WITHOUT LOCAL COUNSEL
AND RESPONSE TO ORDER TO SHOW CAUSE**

Pursuant to Local Rule 83.10, Plaintiffs Rainier Arms, LLC, Samuel Walley, William Green, and the Second Amendment Foundation, Inc. ("Plaintiffs") move for leave to proceed without local counsel and response to the Court's request to show cause for why local counsel has not yet appeared on their behalf.

Local counsel has not yet appeared on Plaintiffs' behalf because of the undersigned counsel's anticipation that the instant motion will be granted. If the instant motion is denied, Plaintiffs will obtain local counsel as soon as is practicable.

Plaintiffs are represented in this matter by Chad Flores and Hannah Roblyer of Beck Redden LLP. Mr. Flores and Ms. Roblyer are members in good standing of the State Bar of Texas

and are admitted to practice before this Court. They reside and maintain a principal office in Houston, Texas. Plaintiffs are also represented by Matthew Goldstein of Farhang & Medcoff, a firm based in Tucson, Arizona.

Beck Redden LLP and Mr. Flores, in particular, are ready, willing, and able to discharge Local Rule 83.10's duties of "Local counsel." Specifically, Mr. Flores is "authorized to present and argue a party's position at any hearing called by the presiding judge" and "able to perform, on behalf of the party represented, any other duty required by the presiding judge or the local rules of this court." Local Civil Rule 83.10(b). He is also familiar with the Local Civil Rules of the United States District Court for the Northern District of Texas and the "standards of litigation conduct for attorneys appearing in civil actions in the Northern District of Texas." *Dondi Properties Corp. v. Commerce Savs. & Loan Ass'n*, 121 F.R.D. 284 (N.D. Tex. 1988) (en banc). Mr. Flores was chosen as counsel by Plaintiffs for distinct reasons (e.g., experience as a civil appellate specialist certified by the Texas Board of Legal Specialization), and he is familiar with this matter's facts, procedural posture, governing law, and questions presented. If the Court deems an in-person appearance necessary, Mr. Flores will be available to do so on short notice.

Thus, if leave is granted, Beck Redden LLP's representation will ensure that Plaintiffs litigate this matter in full accordance with Rule 83.10's interest in "orderly progression of a case." *Dorsey v. Portfolio Equities, Inc.*, No. 3:04-CV-0472-B, 2008 WL 4414526, at *2 (N.D. Tex. Sept. 29, 2008). Otherwise, Plaintiffs will be unnecessarily burdened with the cost of engaging additional counsel. Plaintiffs therefore respectfully request that the Court grant leave to proceed without local counsel.

Opposing counsel has yet to appear in this matter.

Date: February 26, 2021

Respectfully submitted,

FARHANG & MEDCOFF
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** Pro hac vice application
forthcoming*

/s/ Chad Flores
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*Counsel for Plaintiffs Rainier Arms, LLC, Samuel Walley, William Green, and the Second
Amendment Foundation, Inc.*

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for the Plaintiffs have waited for opposing counsel to appear in this case so as to confer regarding this matter; no counsel for Defendants has appeared and therefore no conference was possible.

/s/ Chad Flores
Chad Flores

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2021, a true and correct copy of the foregoing was served upon all parties via first-class mail.

/s/ Chad Flores
Chad Flores